IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO. 1367 OF 2004

The State of Maharashtra. ..Applicant.
Vs.
Pappu Bhori Rajbhat and ors. ..Respondents.

Mrs. S.D.Shinde, APP. for the State.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATE : 23rd February, 2007

P.C.

1. Heard Mrs. Shinde, the learned A.P.P.

2. The State has filed Criminal Application No.652 of 2005 seeking leave to appeal which came to be converted from Criminal Appeal No.399 of 2004 as per the order passed by the Division Bench on 24.1.2004 but the said application was filed belatedly and hence, this application for condonation of delay.

3. As per the office note, the delay caused is of 92 days and the affidavit of service filed by Mr.Santosh D.Thakare, Police Sub Inspector attached to Mahatma Phule Chowk Police Station, Kalyan states that the respondent No.1 has been served but the whereabouts of the respondent Nos. 2 to 4 are not known as of today.

4. We find that the delay caused in filing the appeal is required to be condoned and hence, application is allowed in terms of prayer Clause (a).

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO. 652 OF 2005

The State of Maharashtra. ..Applicant.
Vs.
Pappu Bhori Rajbhat and ors. ..Respondents.

Mrs. S.D.Shinde, APP. for the State.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATE : 23rd February, 2007

P.C.

1. Heard Mrs. Shinde, the learned A.P.P.

2. In Sessions Case No.108/2002 the respondents accused were put on trial for the offences punishable under Sections-504, 324, 323 and 302 read with 34 of the Indian Penal Code and all of them were came to be acquitted by the learned 1st Adhoc Addl.Sessions Judge at Kalyan by Judgment and Order dated 16.8.2003.

3. We have heard the learned A.P.P. and perused the impugned order of acquittal.

3. Leave to appeal is hereby granted under Section-378(3) of the Criminal Procedure Code and the appeal is admitted.

4. Paper book expedited.

5. Action under Section 390 of the Criminal Procedure Code to be taken by the Trial Court.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**